

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:) Case Number 08-46367-NCD
)
ARC Venture Holding, Inc.,) Chapter 7
) Jointly Administered Cases
Debtors.¹)
) **STIPULATION TO MODIFY STAY**
) **TO PURSUE PERSONAL INJURY CLAIM**
)
)

Brian F. Leonard, the Chapter 7 Trustee in the above-mentioned case (“Trustee”), and Michael Jimenez (“Claimant”) through undersigned counsel, hereby stipulate and agree as follows:

1. On December 8, 2008 (“Petition Date”) Advantage Rent A Car, jointly administered

under ARC Venture Holding, et al., (“Debtor’s”) filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code and on June 3, 2009 converted to Chapter 7 of the Bankruptcy Code.

2. Brian F. Leonard is the duly appointed Chapter 7 Trustee.

3. The Claimant contends that on December 10, 2008, Post-Petition, Claimant was involved in an automobile accident with Paul O’Donnell, (“Insured”), insurance Claim No. CW8735.

¹ Jointly administered estates of the following Debtors: ARC Venture Holding, Inc., Case No. 08-46367; Southwest-Tex Leasing Co., Inc., d/b/a Advantage, Case No. 08-46368; Advantage Rent-A-Car, Inc., Case No. 08-46369; Coast Leasing Corp., Case No. 08-46370; Floral Leasing Corp., Case No. 08-46371; Iliad Leasing Corp., Case No. 08-46372; Miso Leasing Corp., Case No. 08-46373; Nugget Leasing Corp., Case No. 08-46374; Okra Leasing Corp., Case No. 08-46375; Rainier Leasing Corp., Case No. 08-46376; San Antonio Rental & Leasing Co., Inc.; Case No. 08-46377; Steamboat Springs Rental and Leasing Co., Inc., Case No. 08-46379; Sun Leasing Corporation, Case No. 08-46380; Tradewinds U-Drive, Inc., Case No. 08-46383 Ute Leasing Corporation, Case No. 08-46384; Advantage Licensing LLC, Case No. 09-40394.

4. Claimant, through undersigned counsel, is seeking payment of his personal injury damages from the insured under the insurance coverage available at the time of loss.

5. Claimant has incurred accident related medial special damages in the sum of \$8,150.75 and loss of earnings of \$2,732.00.

6. The Claimant is seeking \$55,000.00 in behalf of claimant as full and final settlement of all issues relating to personal injury claim.

7. The Claimant's recovery on the personal injury claim will be limited to recoveries, if any, from the Debtor's insurance carrier only.

8. This Stipulation contains the complete agreement between the parties and no other document shall be relied upon by any of the parties to supplement, modify, change or affect the terms of this Stipulation, unless entered into after the date of this stipulation and signed by all parties hereto.

9. The Stipulation shall be subject to Bankruptcy Court approval. In the event that approval is not granted, this Stipulation shall be null and void.

10. The parties agree that this Stipulation may be signed in multiple counterparts, including facsimile copies, and all such counterparts' taken together shall constitute one complete instrument.

11. Nothing in this Stipulation, express or implied, is intended to confer any rights or remedies under or by reason of this Stipulation on any person or entities other than parties to this Stipulation, nor is anything intended to relieve or discharge the obligation or liability of any third party or entity not a party hereto.

12. The Bankruptcy Court shall retain jurisdiction to resolve all disputes concerning the interpretation and enforcement of this Stipulation.

13. This Stipulation shall be construed in accordance with the laws of the State of Arizona, except to the extent it is controlled by the federal bankruptcy laws.

Dated: 12-2-09

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:) Case Number 08-46367-NCD
ARC Venture Holding, Inc.,)
Debtors.¹) Chapter 7
) Jointly Administered Cases
)
) **ORDER APPROVING STIPULATION
FOR MODIFICATION OF STAY TO
PURSUE PERSONAL INJURY CLAIM**
)

The Court has reviewed and considered the Stipulation to Modify Stay to Pursue Personal Injury Claim (“Stipulation”) filed in this case.

IT IS HEREBY ORDERED that the Stipulation is approved and the automatic stay in this case is modified to allow, Michael Jimenez to pursue his personal injury claim for damages, but any recovery thereon is limited to recovery from any insurance policies of the Debtors available at the time of loss.

Dated: _____

Chief Judge Nancy C. Dreher

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